



## CALIFORNIA WATER BOARDS

### State Water Resources Control Board

### Regional Water Quality Control Boards

#### **Water Board Function:** Underground storage tank site cleanup oversight

Provide oversight of soil and groundwater cleanups at approximately 6,000 active and former Underground Storage Tank (UST) sites statewide to protect water quality and human health.

#### **Water Board Program(s) Relevant to Function:**

Underground Storage Tank Cleanup Program

UST cleanups range from small soil-only impacts to large plumes of petroleum fuels (gasoline/diesel) that can travel over a quarter mile.

#### **Problem/Issue Description:**

Polluted and contaminated soil and groundwater at current and former UST facilities can threaten water quality and pose a risk to human health. Historically, over 45,000 underground storage tanks (USTs) have leaked petroleum and other substances into soil and groundwater in California. Roughly 32,000 of these sites have been remediated and the cases have been closed leaving 13,000 active UST release cases statewide. The now banned fuel additive methyl tertiary butyl ether (MTBE) contaminated municipal water supplies in Santa Monica and South Lake Tahoe. Once a groundwater supply is polluted, it is difficult and expensive to clean up. Petroleum in soil can also act as long-term continuing sources of groundwater pollution, leaching into the groundwater for years in some instances. Note that both petroleum and even MTBE have been shown to biodegrade, particularly under aerobic conditions, in soil and groundwater.

#### **Overview of Function:**

The State and Regional Water Boards oversee the investigation and cleanup of sites with soil and groundwater pollution at UST facilities (along with local agencies). Although the primary focus of the program is restoration of groundwater quality, the UST Program deals with soil, sediment, the vadose zone, and air where vapor releases may affect public health. Upon confirming that an unauthorized discharge has polluted, is polluting, or threatens to pollute water quality, the Regional Board initiates, pending available resources, oversight of site investigation and cleanup. Generally, dischargers perform cleanup on a voluntary basis. New UST sites are typically discovered as a result of UST removals.

The UST program is generally carried out within the environmental legal framework of the federal Resource Conservation and Recovery Act (RCRA), and State of California Health and Safety Code. State and Regional Water Board authority for cleanup of contaminated sites is found under the following laws:

- California Water Code, Division 7, Section 1300, Section 13304, and Section 13172,

- California Health and Safety Code, Chapter 6.7, and
- Federal RCRA subtitle I

The Regional Board's legal authority for regulation of site cleanup is found in Division 7 of the California Water Code, State Board plans and policies (specifically Policies 92-49 and 68-16), and the Region's water quality control plans (Basin Plans). Basin Plans complement and implement the California Water Code and State Board policies, and provide the foundation for the Regional Board's site cleanup regulatory program. These plans designate the beneficial uses of surface and ground water, setting the narrative and numerical water quality objectives to protect those beneficial uses, and establishing implementation plans to achieve the standards established by the plan. The Regional Water Boards must ensure that dischargers clean up soil and groundwater to levels that achieve background water quality, or, if background is not reasonable, an alternative level may be set that is the most stringent level that is economically and technologically feasible and at least complies with Title 23 California Code of Regulations (CCR) section 2550.4, protects beneficial uses of water, and achieves Basin Plan standards. Section 2550.4 requires consideration of, among other things, public health risks, and damage to wildlife and crops from exposure to waste. A health or ecological risk assessment may be necessary to comply with Resolution 92-49 and to meet the requirements of Title 23 CCR Section 2550.4.

**Role of Water Board Staff:**

Regional Water Board staff provides the primary regulatory oversight for Regional Water Board lead cases. This entails writing directive letters to responsible parties requiring investigation and remediation of releases to the environment. Regional Water Board staff review and approve workplans, and provide technical direction on difficult cases. When a site has been adequately remediated, Regional Water Board staff prepare a closure letter to document the site conditions and the "no further action" determination.

Regional Board staff prepares and submits cleanup order, cease and desists order, and administrative civil liability order to Regional Board for consideration and adoption. Coordinates with staff of local oversight agencies.

Note that the State Water Board contracts with twenty local agencies (Local Oversight Program) to conduct regulatory oversight at an additional 7,000 UST cases.

**Role of Regional Board Members:**

Conducts public hearing, and considers and adopts enforcement order.

**Role of State Board Members:**

Reviews petitions from Regional Board adoption of enforcement order. Adopts policies and regulations. Administers underground tank cleanup fund.

**Primary Issues of Concern:**

The primary issue of concern remains the sheer number of UST sites in the State that are still undergoing investigation and remediation, and the cost to remediate those sites relative to the amount of funds available. In spite of approximately \$200 million annual funding for cleanup available from the UST Cleanup Fund, the current average “life” of a UST cleanup case is over 12 years.

**Definition of Key Terms:**

None.